

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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THE ROMAN CATHOLIC DIOCESE OF
BROOKLYN, NEW YORK,

Plaintiff,

v.

GOVERNOR ANDREW M. CUOMO in his
official capacity,

Defendant.
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No. 1:20-cv-4844

**[PROPOSED] ORDER
TO SHOW CAUSE FOR A
PRELIMINARY INJUNCTION
AND TEMPORARY
RESTRAINING ORDER**

Upon the accompanying Plaintiff's Memorandum of Law in Support of its Application for a Temporary Restraining Order and Preliminary Injunction dated October 8, 2020; the Declaration of Bishop Raymond F. Chappetto, sworn to on the 8th day of October, 2020, together with the exhibit(s) annexed thereto; the Declaration of Joseph J. Esposito, sworn to on the 8th day of October, 2020, together with the exhibit(s) annexed thereto; the Declaration of Randy M. Mastro, sworn to on the 8th day of October, 2020, together with the exhibit(s) annexed thereto; and upon all the pleadings and other papers filed in this action; and the Court, having reviewed the Memorandum of Law, supporting Declarations and exhibits submitted therewith, and having found sufficient reason being alleged and good cause appearing therefore, it is hereby:

ORDERED that Defendant Governor Andrew M. Cuomo, through his attorneys, show cause before this Court, at Room ___, 225 Cadman Plaza East, in the City and County of Brooklyn and State of New York, on the ___ day of ___, 2020, at ___ o'clock in the ___ thereof, or as soon thereafter as counsel may be heard, why an order should not be issued, pursuant to Rule 65 of the Federal Rules of Civil Procedure, preliminarily enjoining

Defendant, his representatives and agents, and all persons acting in concert or in participation with him, or having notice, from enforcing the 10- and 25-person maximum attendance restrictions in designated “red” and “orange” zones, respectively, imposed by the Governor’s recent executive order, as applied to Catholic churches in those zones, until such time as the Court resolves Plaintiff’s application for relief in this case; and it is further

ORDERED that, pending the Court’s resolution of Plaintiff’s motion for a preliminary injunction, Defendant, his representatives and agents, and all persons acting in concert or in participation with him, or having notice, shall be temporarily restrained and enjoined from enforcing the 10- and 25-person maximum attendance restrictions in designated “red” and “orange” zones, respectively, imposed by the Governor’s recent executive order, as applied to Catholic churches in those zones; and it is further

ORDERED that sufficient cause having been shown, service of this Order and all of the papers submitted in support thereof shall be made on Defendant’s counsel and deemed effective if it is completed by electronic mail on or before the ____ of October, 2020; and it is further

ORDERED that Defendant’s answering papers on the motion for a preliminary injunction, if any, shall be filed with the Clerk of this Court and served upon the attorneys for Plaintiff via ECF, by no later than _____, and that any reply by Plaintiff to be filed and served by ECF by _____.

IT IS SO ORDERED

Dated: _____

Brooklyn, New York

United States District Judge, Nicholas G.
Garaufis